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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,482	08/03/2001	Mehyar Khazai	PA990210U1	7220

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

PATEL, PARESH H

ART UNIT	PAPER NUMBER
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2829

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,482

Applicant(s)

KHAZEI, MEHYAR

Examiner

Paresh Patel

Art Unit

2829

c/A

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) 7-11, 14-61, 65, 66 and 69-85 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12, 13, 62-64, 67 and 68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I (claims 1-14, 59-73 and 85) and species of fig. 4 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that claim 1 is generic. This is not found persuasive because claim 1 it is not allowable.

The requirement is still deemed proper and is therefore made FINAL.

During a telephone conversation with George Pappas on 05/30/2003 a provisional election was made with traverse to prosecute the invention of species of fig. 4, claims 1-6, 12-13, 62-64, 67 and 68. Affirmation of this election must be made by applicant in replying to this Office action. Claims 7-11, 14-61, 65-66, 69-85 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

Claim 68 objected to because of the following informalities: "claim 1" should read --claim 67--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 12, 63-64 and 67-68 rejected under 35 U.S.C. 102(b) as being anticipated by Hoenig et al. (US 5265611).

Regarding claim 1, Hoenig et al. (hereinafter Hoenig) in fig. 1-10 discloses: A measurement device [fig. 1] comprising: a sensor [sensor of arrangement 7] having a probe section [lines 44-46 of column 8] and configured and arranged to output a plurality of measurement signals [lines 26-32 of column 8], each of said plurality of measurement signals representing an effect of an energy field [magnetic field] emanating from a source [1 and lines 44-46 of column 8] on said probe section at a corresponding one of a plurality of positional [using angle of 7, lines 51-53 of column 10] relationships between said probe section and said source in three dimensions [using 7 and 5]; a positioning device [37, 38, 31, 27, 32] configured and arranged to controllably create said plurality of positional relationships; and a processing unit [67 and lines 26-32 of column 8] configured and arranged to receive data based on the measurement signals and positional information related to the plurality of positional relationships and outputting a field characterization [to 67], wherein the field characterization comprises a representation of a three-dimensional nature of the effect of the energy field [lines 19-23 of column 15] on said probe section [lines 35-52 of column 13 and fig. 4 and 6-7] .

Regarding claim 2, Hoenig discloses: The measurement device according to claim 1, wherein the energy field [lines 65-68 of column 13] is an electric field.

Regarding claim 3, Hoenig discloses: The measurement device according to claim 1, wherein the energy field is a magnetic field [lines 44-46 of column 8].

Regarding claim 4, Hoenig discloses: The measurement device according to claim 1, wherein the energy field is an thermal field [inherent to lines 26-30 of column 8].

Regarding claim 5, Hoenig discloses: The apparatus according to claim 1, one of the three dimensions being an orientation in a plane defined by the other two of the three dimensions [lines 35-52 of column 13].

Regarding claim 6, Hoenig discloses: The measurement device according to claim 5, wherein said sensor rotates about an axis perpendicular to a surface of the source [see fig. 2].

Regarding claim 12, Hoenig discloses: The measurement device according to claim 1, further comprising a registration unit [88, 89 and 83] configured and arranged to indicate an orientation of said sensor relative to the source [lines 34-40 of column 11] .

Regarding claim 63, Hoenig discloses: The measurement device according to claim 1, wherein at least one of the positioning device and the processing unit includes a recognition mechanism [67 with 77] configured and arranged to determine a characteristic of the sensor.

Regarding claim 64, Hoenig discloses: The measurement device according to claim 1, wherein a signal path between the probe section and the processing unit includes a balanced transmission line [inherent to lines 1-34 of column 13].

Regarding claim 67, Hoenig discloses: The measurement device according to claim 1, wherein the sensor includes a conditioning circuit [68].

Regarding claim 68, Hoenig discloses a differential amplifier [inherent to lines 1-6 of column 13, wherein "to avoid the ground loops" mint use of differential amplifier].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoenig as applied to claims 1 and 12 above, and further in view of Official Notice.

Regarding claim 13, Hoenig discloses all the elements except said registration unit comprising **a laser-emitting device**. Rather, Hoenig discloses the bite down piece to configured and arranged to indicate an orientation of said sensor relative to the source. It would have been obvious matter of design choice to use laser-emitting device, since applicant has not disclosed that the laser-emitting device as claimed solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with bite down piece.

Regarding claim 62, Hoenig discloses all the elements except said registration unit comprising an imaging device. Rather, Hoenig discloses the bite down piece to configured and arranged to indicate an orientation of said sensor relative to the source. It would have been obvious matter of design choice to use the imaging device, since applicant has not disclosed that an imaging device as claimed solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with bite down piece.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paresh Patel whose telephone number is 703-306-5859. The examiner can normally be reached on M-F (8:30 to 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on 703-308-1233. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Paresh Patel
May 30, 2003


KAMAND CUNEO
SUPERVISORY PATENT EXAMINER
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